

David J. Linden
Attorney at Law
CSBN 41221
Post Office Box 5780
Napa, CA 94581-0780
Tel. (707) 252-7007
Fax. (707) 252-7883
Email - david@lindenlaw.net

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VALERIE ROSE GENTRY,
Plaintiff,
vs.
CAROLYN W.COLVIN, Acting Commissioner of
Social Security,
Defendant.

) Case No.: 4:14-cv-04454-WHA
)
)
) STIPULATION AND ~~PROPOSED~~ ORDER FOR THE
) AWARD OF ATTORNEY'S FEES PURSUANT TO
) THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C.
) § 2412(D)
)
)
)
)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of seven thousand five hundred dollars (\$7,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs of four hundred dollars (\$400.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d); 1920.

After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider any assignment of EAJA fees to David J. Linden. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor

any such assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be made directly to David J. Linden, pursuant to any assignment executed by Plaintiff. Any payments made shall be delivered to David J. Linden.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant. This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

Dated: January 5, 2016 /s/ David J. Linden
DAVID J. LINDEN
Attorney for Plaintiff

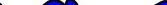
Dated: January 5, 2016

By /s/ Richard Rodriguez
RICHARD RODRIGUEZ
(as authorized by email on 01/05/2016)
Special Assistant US Attorney
Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION , IT IS SO ORDERED:

Dated: January 7, 2016.


WILLIAM H. ALSOP
UNITED STATES DISTRICT JUDGE